

MINUTES OF HARRISONBURG PLANNING COMMISSION

January 14, 2009

The Harrisonburg Planning Commission held its regular meeting on Wednesday, January 14, 2009, at 7:00 p.m. in the City Council Chambers, 409 South Main Street.

Members present: Richard Baugh, Jared Burden, Alan Finks, Bill Jones, and J.M. Snell. Members absent: None (two vacant positions)

Also present: Stacy Turner, Director of Planning and Community Development; Adam Fletcher, Senior Planner; Alison Banks, Planner and Secretary.

Vice Chairman Burden called the meeting to order and determined a quorum with five of seven members in attendance. He then asked for review and approval of the minutes from the December 10, 2008 regular Planning Commission meeting.

Mr. Jones moved to approve the minutes from the December 10, 2008 Planning Commission Meeting.

Mr. Finks seconded the motion.

All voted in favor of approving the minutes. (5-0)

New Business

Election of Officers for 2009

Vice Chairman Burden said we will now nominate and elect officers for the 2009 year as per the Planning Commission by-laws. He then asked for nominations for the Chairman of the Planning Commission.

Mr. Finks nominated Jared Burden for Chairman of the Planning Commission.

All voted to elect Mr. Jared Burden as Chairman for 2009. (4-0) Mr. Burden did not vote.

Chairman Burden asked for nominations for Vice Chair of the Planning Commission.

Mr. Snell nominated Mr. Bill Jones.

All voted to elect Mr. Bill Jones as Vice Chairman of the Planning Commission. (4-0) Mr. Jones did not vote.

Chairman Burden asked for nominations for Secretary of the Planning Commission.

Mr. Snell nominated Mrs. Alison Banks.

All voted to elect Mrs. Alison Banks for Secretary of the Planning Commission. (5-0)

Ordinance Amendment – MX-U, Mixed Use Planned Community District

Chairman Burden read the first item of business and asked for staff to review.

Mr. Fletcher said we have five ordinance amendments and I will cover them all in one presentation. City staff is requesting to modify the City's Zoning Ordinance by adopting the MX-U, Mixed Use Planned Community District as a new zoning classification. As defined in sections of the zoning text, this district is intended to provide opportunities for the development of mixed communities

that offer an integrated and compatible mix of residential, commercial, and office uses, together with open space, recreational, governmental, educational, religious, and other support uses. Property owners wishing to take advantage of this zoning category will be required to apply for a rezoning as no properties will be pro-actively rezoned to this district. Applicants will work closely with city staff to develop a master plan for their development proposal. Approved development plans will be enforced similarly to the enforcement of R-6 and R-7 developments where a property essentially has its own zoning regulations based upon the approved master plan.

Developments in this district should achieve a mix of uses with effective site planning and design that provides sufficient multimodal transportation facilities, landscaping, screening, and open space. Staff believes the district will promote traffic calming techniques and safer environments for pedestrians and bicyclists while at the same time encouraging communities with less reliance on the automobile. Single family detached, duplex, townhouse, and multiple family dwellings would all be permitted along with mixed-use buildings and stand alone commercial and office uses. There is a 15% minimum requirement for a park or common open space. A mixture of uses must also be provided as there is a maximum percentage that is permissible for each different use (except for parks and open spaces).

The mixed use zoning district has been a topic of discussion since the last Comprehensive Plan update in February of 2004. The MX-U zoning district should help achieve several goals and objectives as pointed out by the Comprehensive Plan; those initiatives include: improving the quality and compatibility of land use and development, encouraging mixed use development where different types of properties enhance and complement one another, promoting novel patterns of development like those developed early in the city's history—vital, well planned and well integrated mixed-housing and mixed-use urban areas of distinct character, and to strengthen existing neighborhoods and promote the development of new neighborhoods that are quiet, safe, beautiful, walkable, enhance social interaction, and offer a balanced range of housing choices.

Staff supports a favorable recommendation to City Council to adopt the MX-U district.

Ordinance Amendment – Dwelling Definitions & Net Development Area

The creation of the MX-U zoning district has caused a need to add a new definition to Section 10-3-24 of the Zoning Ordinance. If approved, the MX-U district regulates the mixture of uses with defined minimum and maximum percentages of what is called the “Net Development Area.” This term is not currently used or defined by our Zoning Ordinance and therefore staff suggests that it be defined as the total area of land in the MX-U development designated on the master development plan for residential, non-residential, or open space uses, excluding streets. Please note that since the last time that Planning Commission reviewed this proposed definition, staff has removed the term “public” for the reference to the type of streets that should be excluded. Staff believes there should be no distinction, for the purpose of this definition, between public or private streets.

In conjunction with this amendment staff would also like to replace, remove, and add new language to the “Dwelling” terms as they are currently defined within Section 10-3-24. Staff suggests to replace the title of “Dwelling, One Family” with “Dwelling, Single Family” since the majority of the Zoning Ordinance already refers to these types of units as single family. Secondly, we suggest replacing the title of “Dwelling, Two Family” with “Dwelling, Duplex” since this appears to be the preferred identification of these types of units. At the same time, we suggest removing the existing definition of a duplex with a new definition that more clearly describes these units and removes the confusion of their occupancy from the definition. We also suggest adding the word “Family” to the

definition title of “Dwelling, Multiple” since the majority of the Zoning Ordinance refers to these units as multi-family. Similar to the new duplex definition, staff proposes to eliminate the existing “Dwelling, Multiple” definition and to replace it with a less confusing definition regarding their occupancy allowance and again to more clearly define these types of units. Finally, we offer to add language to “Dwelling, Townhouse,” which should clear up how this term is used throughout the Zoning Ordinance.

Staff supports a favorable recommendation to City Council to amend the Definitions section of the Zoning Ordinance.

Ordinance Amendment – Two Family Dwelling Replaced by Duplex

If the definition of “Dwelling, Two Family” is replaced with “Dwelling, Duplex,” then the Zoning Ordinance must be further modified by replacing the word “two family” with “duplex” in each of the above listed sections. These sections would include several Uses Permitted By Right sections, tables within the Area and Dimensional Regulations sections, and in a few locations, the special notes that appear below the Area and Dimensional Regulation tables.

Staff supports a favorable recommendation to City Council.

Ordinance Amendment – R-6 and R-7 Occupancy;

During the formulation of the MX-U zoning district, staff recognized the need to more clearly specify how the R-6 and R-7 zoning classifications regulate occupancy. Since the adoption of both the R-6 and the R-7 zoning districts, the City has enforced and described to interested developers, that occupancy within both of these zoning districts is intended for single families; however, neither of these districts explicitly state how occupancy is regulated. Therefore, staff would like to take this opportunity to delineate how dwellings shall be occupied by adding a subsection for both R-6 and R-7 that states that dwelling units may be occupied by a single family or not more than two unrelated individuals.

Staff supports a favorable recommendation for these amendments to City Council.

Ordinance Amendment – R-6 and R-7 Article T Provisions

The creation of MX-U zoning district allowed staff to further recognize an additional amendment needed for the R-6 and R-7 zoning districts for issues that are generally regulated by Article T. Within the text of the MX-U zoning district, staff included language that discusses how issues with things such as architectural treatments, fire escapes, terraces, patios, uncovered porches, decks, and so on would be handled; and, since the R-6 and R-7 master planned communities are handled similarly to the MX-U district and do not explicitly describe how these issues would be handled, staff believes it is necessary to add the same text to both the R-6 and R-7 districts. The statement would simply state, unless otherwise specified within the master development plan, the provisions of Article T shall apply to the specific zoning district.

Staff supports a favorable recommendation for these modifications to City Council.

Mr. Fletcher then asked if there were any questions regarding the proposed amendments.

Chairman Burden asked if “net developable area” was a new term that is associated with the MX-U district and therefore, needed to be included in the definitions.

Mr. Fletcher said yes, it is a new term that is not currently used in the zoning ordinance.

Chairman Burden asked how does the “net developable area” concept relate to what is meant by “total land area of development”, as found under our R-6 and R-7 districts.

Mr. Fletcher said we do not currently define “total land area” in the zoning ordinance; it is used just in general. This is a good question, but I do not believe that it would be distinguished differently, however; “net development area” only speaks specifically to the MX-U district.

Mrs. Turner said I do not think we use that term anywhere else in the ordinance. We may talk about it if someone is rezoning something, but we do not use it in the ordinance.

Chairman Burden said he is just interested in the similarity of the concepts. For example what is being netted out in the MX-U district to make it “net development”?

Mr. Fletcher said staff should be able to distinguish between the two terms. The general usage of the language “development area” should not cause a problem for the intent of the zoning districts.

Mrs. Turner said she has a comment about the ordinance changes and apologizes for not bringing it up earlier. The proposed R-6 and R-7 language change to add “dwelling units may be occupied by a single family or not more than two unrelated persons”, should say “a family or no more than two persons” because we do not use that terminology anywhere else in the zoning ordinance. The reason we do this is because we had someone who interpreted unrelated persons as meaning they could have two brothers, plus three more unrelated persons, for a total of five persons residing in a dwelling. The City Attorney advised us to word it as persons; therefore we should be consistent throughout.

Chairman Burden asked if there were any further questions or comments for staff. Hearing none, he said he would open this as one public hearing and asked if there was anyone wishing to speak generally in favor of the proposed ordinance amendments. Hearing none, he asked if there was anyone wishing to speak in opposition to the proposed amendments. Hearing none, he closed the public hearing and asked Planning Commission for discussion.

Mr. Snell said we did not receive any public input on these amendments. Was it posted on the City web page and/or did staff receive any questions or comments?

Mr. Fletcher said that the amendments were not posted on-line, it is not required to do so and staff had not received any questions or concerns regarding the proposed changes.

Mr. Baugh said the City Council agenda packets now get posted on-line; it might make sense to do the same with Planning Commission agenda packets.

Mrs. Turner agreed that it is a good idea and we would start doing it with the Planning Commission packets.

Mr. Snell said these are certainly ordinance amendments we need. I still believe that the concept of an urban and rural mixed use zoning classification is appropriate. Three contiguous acres is a rather large parcel and we may want to consider something smaller for the urban mixed use type.

Mr. Snell asked if Planning Commission would be voting on these separately or as one.

Chairman Burden replied they would be voted on separately. He then asked for a motion on the MX-U, Mixed Use Planned Community District ordinance amendment.

Mr. Snell moved for a favorable recommendation to City Council to adopt this ordinance amendment.

Mr. Jones seconded the motion.

All voted in favor of the motion (5-0). Chairman Burden said this will move forward to City Council on February 10, 2009 with a favorable recommendation. He then asked for a motion on Dwelling Definitions and Net Development Area ordinance amendment.

Mr. Snell moved to recommend favorably for these definition changes as presented by staff.

Mr. Finks seconded the motion.

Chairman Burden asked if there was any discussion on the motion. Hearing none, he called for a voice vote on the matter. All voted in favor of the motion (5-0). Chairman Burden said this will move forward to City Council on February 10, 2009 with a favorable recommendation. He then asked for discussion on the ordinance amendment for the term replacement of “two family dwelling” with “duplex”.

Mr. Finks made a motion to accept the proposal by the planning staff for a favorable recommendation.

Mr. Jones seconded the motion.

Chairman Burden asked if there was any discussion on the motion. Hearing none, he called for a voice vote on the matter. All voted in favor of the motion (5-0). Chairman Burden said this will move forward to City Council on February 10, 2009 with a favorable recommendation. He then asked for a motion on the R-6 and R-7 occupancy ordinance amendment.

Mr. Jones made a motion for a favorable recommendation to City Council.

Mr. Fletcher said this is the amendment that we would be making the suggested change in the wording of “unrelated persons” to just “persons”.

Mr. Jones stated his motion for a favorable recommendation includes the change as discussed.

Mr. Finks seconded the motion.

All voted in favor of the motion (5-0). Chairman Burden said this will move forward to City Council on February 10, 2009 with a favorable recommendation. He then asked for a motion on the R-6 and R-7 Article T changes.

Mr. Finks made a motion to recommend approval of the changes as presented by staff and forward it on to City Council.

Mr. Jones seconded the motion.

Chairman Burden asked if there was any discussion on the motion. Hearing none, he called for a voice vote on the matter. All voted in favor of the motion (5-0). Chairman Burden said this will move forward to City Council on February 10, 2009 with a favorable recommendation.

Mr. Baugh stated that as a City Council member he really appreciates all the work that has gone into this, MX-U District, and is certainly hopeful that it will get adopted. For those of us and staff who have been with this from the beginning this has been a job well done. I also want to echo Mr. Snell’s comments from earlier regarding smaller parcel MX-U Districts, because there is potential to do some good there as well.

Unfinished Business

None.

Public Input

Mrs. Banks introduced Dr. Harriet Cobb to Planning Commission and stated she had told Dr. Cobb she could come in and speak directly to Planning Commission or contact members individually, whichever she felt more comfortable with. Dr. Cobb has been in discussion with zoning staff regarding home occupations and she would like a bit of input from the commission about the possibility of making an amendment to the Zoning Ordinance with home occupations.

Harriet Cobb of 950 Turkey Run Road said she has been a faculty member at JMU for 27 years and also has a limited, part-time practice at 1820 Country Club Road. I have had a practice in town since 1982. I provide a range of psychological services that include psychotherapy, consultation, and psychological assessment. By part-time, I see about six to eight people per week, on occasion I may see ten to twelve individuals a week, but the average is six to eight. I would like to start a conversation with the commission regarding working at home. I live in an R-1 neighborhood; I deliberately moved to an R-1 neighborhood because of the privacy, quiet, space and minimal traffic and I very much appreciate the character of a neighborhood. When thinking about my future professional life, I was thinking that a good idea would be to have a home office that would be in keeping with an R-1 neighborhood character. When I looked at the zoning regulations there was nothing in it to say that I could not do this; but there was a particular rule against doctor's offices. I wanted to point that out and clarify the difference between a physician's office and what this kind of practice would be. I have no other staff; myself and voicemail. I do not have any noisy equipment and I am not a prescriber as physicians are; therefore I would not have pharmaceuticals in my practice. I see people for about an hour at a time, usually as individuals, sometimes couples, sometimes a family member or two. There would be no need for street parking; individuals could park in my driveway and usually it is only one car. Occasionally, couples may come in separate vehicles, but both could fit in my driveway. I think that this would be in character with the neighborhood and it would be an efficient use of space and it would eliminate one car on the road.

Chairman Burden asked are you a psychologist?

Dr. Cobb replied yes, I am a professor and psychologist.

Mr. Fletcher asked then read over the definition of home occupation from the Zoning Ordinance stating word for word: "A home occupation is any occupation or activity which is clearly incidental to the use of the premises for dwelling purposes and which is carried on wholly within a main building or accessory building by a member of a family residing on the premises, in connection with which there is no advertising on the premises, and no other display or storage or variation from the residential character of the premises, and in connection with which no person outside the family is employed and no equipment which is deemed to be in conflict with the intent of this definition. A home occupation shall not include beauty parlors, barber shops or doctors' or dentists' offices for the treatment of patients".

Mr. Fletcher continued by saying home occupations are administratively approved, there is no fee, we just make certain that the applicant reads the definition and understands the intent of a home occupation before signing. Staff discusses with the applicant that a sign is not permitted, nor can they have employees or customers coming to their house. Essentially, it should continue to look and function as a home, except there may be someone inside doing office work or taking phone calls.

Mrs. Turner said we do advise people who need customer or client contact that perhaps they should go to their customer's home or a neutral location. It should not be a practice to have traffic to your home.

Chairman Burden said so the common element of these prohibited uses is the idea of people coming regularly to the home as a customer.

Mrs. Turner said yes it is. I do have to tell you of one exception to the no customers coming to your home policy and that is with people who do music lessons in their home. We had that come up quite a while back and Planning Commission at that time said yes music teachers could have individuals coming to their home. Music teachers had come to Planning Commission and explained that they could not make a living renting a place to teach music, they would not make enough money to pay that type of rent. The Planning Commission at that point said that music teachers were to be allowed even though there would be traffic to the home. Staff could withdraw the home occupation or make the teacher cut back if there were complaints received about too much traffic to the home.

Mr. Finks said are lawyers mentioned as a prohibited use.

Mrs. Turner said just because they are not on the prohibited list does not mean that they are allowed. We do not allow applicants to have traffic to their home.

Chairman Burden asked staff if they have ever approved a home occupation permit for a doctor or dentist who said they would only have a certain small number of patients.

Staff responded no.

Mr. Fletcher said Dr. Cobb is not here asking for your permission to operate her office from her home. End result is that a home occupation amendment would need to be done to allow such a practice.

Chairman Burden asked Dr. Cobb if she intended to have the same number of clients as she does now at her practice on Country Club Road.

Dr. Cobb replied yes, my intention is not to grow the practice. My primary occupation is a professor. JMU allows up to a day worth of consultation, assuming it is within the area of which you teach; I teach psychotherapy in the doctoral program at JMU. I am still employed at JMU and do not intend to increase my private practice. I know there are many questions and concerns about traffic in and out, but this is something that would have fewer trips than your average family of four with two teenagers. It is primarily one car per hour, and only six to eight persons per week.

Mr. Snell said he felt the definition of home occupation was rather vague. It definitely warrants some discussion and better guidelines because in today's society we are bound to get more requests, or people just not asking at all and acting on their own.

Dr. Cobb said she wanted to assure the commission that she supports the principles of zoning. They are in place to help protect the social contract among people when they move to an area and invest their money in a home or business. They have some expectations that the character of that neighborhood will be preserved. I do understand that R-1 neighborhoods are the most restrictive and that sometimes rules and regulations need to be made for people who do not necessarily take into consideration that social contract or their neighbor's expectations. But sometimes we can get carried away with regulations and I just want to be clear that I do honor the zoning principles and the principle of an R-1 neighborhood. I think this is something that the Commission would have

time well spent looking at because of some of the changes in society today. People want to minimize commutes and make use of less space.

Mr. Finks said perhaps this is something we need to consider when we begin to review the Comprehensive Plan, especially if more people may be looking to do something like this, with or without permission.

Mr. Jones said it might need to be discussed during the upcoming Comprehensive Plan review; but I also see a scenario whereby someone may wish to operate an auto repair business out of their home.

Mr. Fletcher said there is definitely a fine line. Staff has had many internal discussions about amending the definition of home occupations because it can open the door to problems that we have not encountered yet. We would also want to discuss with the building code division what code requirements, if any, would there be when you have your professional office inside your private residence.

Mrs. Turner said we have a very large number of people right now who have home occupation permits. We do not have a difficult time enforcing the regulations now, because basically you are not supposed to have traffic coming to your home. If we were to receive a concern from someone that felt their neighbor was operating a business from the home because of the number of people showing up there for work, it is very cut and dry, you are not supposed to have people coming to your home. It is a violation. I think we will have a harder time with enforcement if we now say you can have five people a week come in, or three employees a day. This will become much more difficult for us to enforce.

Mr. Snell asked how do we handle child care.

Mr. Fletcher said child care in an individual home is allowed by right for up to five children. It is a State Code mandate. Once you go above five it is by special use only.

Mr. Snell said but it is a business going on in a home with traffic.

Mrs. Banks said persons keeping five or fewer children, exclusive of their own, are required to get a home occupation permit.

Mr. Snell said and we as the City issue those.

Mrs. Banks said yes, it is an in house process that we administratively approve.

Mrs. Turner said this is something that we kind of set up as a policy so that if someone called in to complain we could look up and say they have a permit to keep so many children. This also helps to work out licensing issues with the Commissioner of Revenue office.

Mr. Snell asked if anyone knew when or why these exceptions came into the definition of home occupation.

Mrs. Banks replied that we did look that up and discovered that in 1963 was the first we saw this language. As a matter of fact it was the exact definition as it is today.

Mrs. Turner said there was a large scale revision done to the zoning ordinance in 1963.

Chairman Burden said what is listed are four rather high traffic uses that one could easily operate out of their home. I find the word doctor, with a lower case "d", to be a bit vague. However, as you say the listing of these particulars does not mean that others are not prohibited as well. He then

asked staff if Planning Commission was just being made aware of this issue in order to think about it, perhaps in the context of further reference to obtain a permit.

Mr. Fletcher said we can continue to discuss this or Dr. Cobb can move forward with an amendment and bring it to you officially. Or if Planning Commission feels they would like to amend it, which could be done on your motion.

Chairman Burden asked what are staff's thoughts on how we should react to this.

Mr. Snell said I think we need to work on this. Dr. Cobb has identified vagueness in the definition. I am not even sure how staff deals with this.

Mrs. Turner said it is currently not a problem. I do not want this to slip into the idea that this is a problem because staff does not know how to interpret it; therefore it needs to be fixed. The question is do we want to start allowing home occupations where we have traffic coming to the home or not. Right now, with the exception music teachers, we do not.

Mr. Snell said we allow child care to have traffic.

Mrs. Turner replied with child care it is an exception by the State, we do not have a choice on that matter.

Chairman Burden said aside from child care and music lessons there has not ever been a time when staff says "okay, since there are only three customers per day we will allow it".

Mr. Fletcher replied no. We are very clear with the applicant that a home occupation does not allow for people coming and going from the residence.

Mrs. Turner said we make suggestions such as to meet at a mutual location, or the client's home, or work.

Mr. Finks suggested that Dr. Cobb might want to get involved in the Comprehensive Plan review process. To me it looks like the only avenue there is right now.

Mr. Baugh said Dr. Cobb could attempt by herself, or with help from staff, to try and craft an ordinance amendment. She has the right to bring that forward and make us at least take a vote on the proposal. That is the other option, working with staff to see if there is a way to word this so that it would fit for Dr. Cobb, but still not open the door for a bunch of other stuff.

Chairman Burden said since we have not been invested on a daily basis with the administrative interpretation of the permit, which is vague, but has been apparently treated by staff in a fairly bright line manner with no customers. What this change would be is a fairly noticeable incursion into the interpretation and language of the ordinance. It may strike some of us that if this is done right, it may not tear apart the fabric of the neighborhood. I could see it being possible.

Dr. Cobb said to reinforce the notion in general; we hope that individuals that come forth with this kind of thing are using good judgement about how to maintain the character of the neighborhood. Again, I assure you this is something I would do. I do not think that this is an odd request; I believe it is kind of where we are in 2009. I think, for example if you were concerned about someone wanting to open a body shop, again the standard would be is it noisy, a lot of traffic, change of character for the neighborhood. I have people, family and friends, visit me on a near daily basis and I do not see that out of character for the neighborhood. Nor would I see someone coming at 5:00 p.m. for an appointment be in anyway disruptive to the neighborhood.

Mr. Fletcher said he suggests that Dr. Cobb come in and work with staff on this. We could help point out different options and then you could think about the financial investment and how far you want to go with it.

Mr. Baugh said he felt this was worth looking at again. In summary what we are saying is that with music lessons right now we just allow those; we do not even attempt to cap those at some number. The reality is that it generally has not gotten out of hand over the years. I think there are worse things we could do then consider permitting these things on an ad hoc basis.

Mr. Jones said he is of the opinion that if it is an occupation that in no way changed the outward appearance of the structure, he feels it would not be that damaging to the neighborhood.

Mr. Baugh said that is rather what I am thinking. The concept of saying this is something we expand slowly, over time, on an ad hoc basis as people come in and successfully make their case for the business. I guess the thing that jumps out is the idea that was raised about do you try to cap it at some sort of frequency or number of people and how do you regulate that. We are in a position where we can enforce this right now, but if we were to put a number on it how long will it take before we have the complaints.

Mrs. Turner said we should not get too hung up on what it should include, beauty parlors, barber shops, doctors and dentists offices; because I do not think they were intended to be the only exclusions. Honestly, my guess is that in 1963 those were the types of uses that people tended to have in their homes in the 1950's and 1960's and those were the things that occurred to them to list.

Mr. Baugh said the operative wording in this definition is "with which there is no variation from the residential character of the premises," that is why you would not have an auto mechanic.

Mrs. Turner said there are definitely other people and professions who have just gone away when we tell them you cannot have the traffic to your home; these persons would be interested in now having a home occupation.

Chairman Burden thanked Dr. Cobb and asked if she was able to accomplish what she wanted to by coming before Planning Commission.

Dr. Cobb said yes, it sounds like I should be contacting Alison and Adam for an appointment. If you should have any other questions I would be happy to address those too, just let Alison or Adam know.

Chairman Burden asked if there was any other public input.

Mr. James Shifflett introduced himself and said he was with the Rockingham County Planning Commission and said he would be the City liaison for the next year. If you all have anything that you might want us to take back to the County Planning Commission just let me know.

Report of secretary and committees

Mr. Fletcher said with proactive zoning we are in our second month of the third cycle. We saw an increase from the last cycle, but a decrease from the first in the Northfield section of the City. Inoperable vehicles and discarded materials, as usual, were most of the violations. Next month we will be in Purcell Park area.

Mr. Baugh said at City Council last night there were four and one-half matters that were previously before this body. The rezoning of Funkhouser & Associates on Port Republic Road which was approved unanimously here was also approved unanimously at City Council. The Radha Krushna

rezoning was tabled at their request. The DeSarno Property on Port Republic Road, this is where you get the half because it had a second reading on the rezoning request. There were some proffer changes and discussion whether or not it should come back to Planning Commission, but in fairness to the applicant we ultimately concluded that the proffers were adequate and it was passed. The special use permit for reduced parking at the site was also approved after considerable discussion.

He then said I believe that you all know me well enough to know that now that I am sitting on the Council side of the meeting; my tendency will be to rely heavily on Planning Commission input. Therefore, as a Council Member if there are any significant changes in proffers I will vote to send things back to Planning Commission. Lastly, the rezoning request for the Blackwell Property on East Market Street was approved by this body 4 to 3, but last night Council denied the request 3-2.

Mr. Baugh also noted that there are two vacant seats on Planning Commission, as well as vacancies on the Board of Zoning Appeals (BZA). City Council met in closed session last night to consider applicants, there are eight people who applied for these slots, and we decided that we will meet and interview with some of the applicants. Hopefully, at the end of January we will make the two appointments for the Planning Commission. He continued, saying that the Planning Commission needs to appoint a representative to the BZA.

The Planning Commission then discussed whether or not any members that were present were interested in being the Planning Commission representative that serves on the BZA. The Commissioners decided to wait and appoint a member next month when there would be a full membership on Planning Commission.

Mr. Jones noted that he attended the Rockingham County Planning Commission last week. They had one item on the agenda, a rezoning that was recommended for approval.

Other Matters

None.

Adjournment

The meeting was adjourned at 8:25 p.m.

Chairman Jared Burden

Secretary, Alison Banks